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T-871 P.003/006 F-255

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl'n. No. : 09/647,946 Confirmation No.: 7359
Applicant : Robert C. Brunham
Filed : December 6, 2000
Title : DNA IMMUNIZATION AGAINST CHLAMYDIA INFECTION
TC./A.U. : 1645
Examiner : Roden P. Swartz
Docket No. : 1038-1094 MIS/jb
Customer No.: 24223
Date : August 18, 2005

BY FACSIMILE **571-273-8300**

Mail Stop Amendment
Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
U.S.A.

RESPONSE

Sir:

This communication is in response to the Office Action of May 23, 2005.

The Examiner provisionally rejected claims 16 to 33 and 36 to 42 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 13, 16 to 23, 25 to 27, 33 to 37, 39 and 40 of copending Application No. 10/964,670.

While the rejection is a provisional one since the conflicting claims have not in fact been patented, applicants submit herewith a Terminal Disclaimer, signed by an attorney-of-record, disclaiming the term of the patent to be granted on that application which may extend beyond the term of any patent granted on Application No. 10/964,670. Authorization to charge the registration fee for the Terminal Disclaimer to our deposit account is enclosed.

Application No. 09/647,946
Response dated August 18, 2005
Reply to Office Action of May 23, 2005

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It is submitted that the provisional rejection of claims 16 to 33 and 36 to 42 under the judicially-created doctrine of obviousness-type double patenting should be withdrawn.

It is believed that this application is now in condition for allowance and early and favourable consideration and allowance are respectfully solicited.

Respectfully submitted,



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